

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 1-29 are currently pending. New claims 26-29 have been added. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn. The fee for the presentation of new claims 26-29 is being submitted concurrently herewith.

U.S. Patent Application Publication No. 2003/0118762

The Office Action rejected claims 1-25 of the present application based on U.S. Patent Application No. 2003/0118762 to Brown ("Brown") in combination with other references. The Office Action cited to Brown for disclosure of "the use of a metallic foam (paragraph 31) as the absorptive member of an acoustic liner." The Applicant respectfully submits that the cited disclosure of Brown is not prior art to the present application for the following reasons.

(1) Priority Date of Present Application

The present application has a foreign priority date of June 12, 2002, based on Swedish Application No. 0201790-3, the priority of which is claimed. A certified copy of Swedish Application No. 0201790-3 was submitted to the U.S. Patent and Trademark Office on December 10, 2004, and its receipt was acknowledged by the Office in the Action dated October 18, 2006. To substantiate the priority claim to Swedish Application No. 0201790-3, submitted herewith is an English translation thereof, along with a sworn document previously submitted to the European Patent Office, which certifies that the English translation is "a complete translation."

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(See enclosed EPO form 1037.3, pink highlighting on page 3.) Accordingly, the Applicant respectfully submits that the present application is entitled to a priority date of June 12, 2002.

(2) Effective Date of Brown

Brown has a U.S. filing date of December 16, 2002, and a publication date of June 26, 2003. Both of these dates are after the June 12, 2002 priority date of the present application.

Brown claims priority to U.S. Provisional Application No. 60/344,943, filed on December 21, 2001, a copy of which is enclosed. However, the provisional application does not disclose the feature for which the Office Action cites to Brown, namely “the use of a metallic foam . . . as the absorptive member of an acoustic liner.” Therefore, the earliest possible disclosure in Brown of the cited feature is December 16, 2002, which is *after* the June 12, 2002 priority date of the present application.

For the foregoing reasons, the Applicant respectfully submits that Brown is *not* prior art to the present application for the cited feature. Accordingly, the Applicant respectfully requests that all rejections based on Brown be withdrawn.

Rejections under 35 U.S.C. § 103

(1) The Office Action rejected claims 1, 5, 6, 8-12, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,114,232 to Wilson (“Wilson”) in view U.S. Patent Application Publication No. 2003/0118762 to Brown et al. (“Brown”). The Office Action cited to Brown for disclosure of “the use of a metallic foam (paragraph 31) as the absorptive member of an acoustic liner.” As demonstrated above, Brown does not qualify as prior art to the present

application for this feature. Furthermore, Wilson alone does not render obvious claims 1, 5, 6, 8-12, and 17-19. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

(2) The Office Action rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Brown, and further in view of U.S. Patent No. 5,175,401 to Arcas et al. (“Arcas”). As demonstrated above, Brown does qualify as prior art to the present application for the cited feature. Furthermore, Wilson and Arcas alone do not render obvious claims 2-4. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

(3) The Office Action rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Brown, and further in view of U.S. Patent No. 6,182,787 to Kraft (“Kraft”). As demonstrated above, Brown does not qualify as prior art to the present application for the cited feature. Furthermore, Wilson and Kraft alone do not render obvious claim 7. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

(4) The Office Action rejected claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Brown, and further in view of U.S. Patent No. 5,962,107 to Lowery et al. (“Lowery”). As demonstrated above, Brown does not qualify as prior art to the present application for the cited feature. Furthermore, Wilson and Lowery alone do not render obvious claims 13-16. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

(5) The Office Action rejected claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Brown, and further in view of U.S. Patent No. 4,291,080 to Ely (“Ely”). As demonstrated above, Brown does qualify as prior art to the present application

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for the cited feature. Furthermore, Wilson and Ely alone do not render obvious claims 20 and 21.

Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

(6) The Office Action rejected claims 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Brown and Ely, and further in view of Lowery. As demonstrated above, Brown does qualify as prior art to the present application for the cited feature. Furthermore, Wilson, Ely, and Lowery alone do not render obvious claims 22-25. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

New Claims

New claims 26-29 have been added to further define the claimed invention. The Applicant respectfully submits that new claims 26-29 are patentable over the prior art of record.

Conclusion

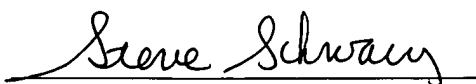
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: 3/6/2008



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Enclosures: Translation of Priority Document plus EP Form 1037.3
U.S. Provisional Application No. 60/344,943

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